

CURB MARKET IS HIT BY COURT'S ORDER

**Temporary Injunction Halted
All Open Air Stock Selling
in City's Streets.**

DENOUNCED AS NUISANCE

**Supreme Court Justice Lydon
Scores Police for Failing
to Stop Activities.**

Supreme Court Justice Richard T. Lydon yesterday granted a temporary injunction which, unless set aside, will end, once and for all, any attempt to maintain what for a century and a half has been one of lower New York's most picturesque features—the open air curb market in Broad street.

In granting the injunction against the Curb Stock and Bond Market of New York Inc., which was formed after the removal of the old New York Curb Market Association to its new quarters in the same place, and which sought to perpetuate the custom of street trading, Justice Lydon scores the Police Department, declaring that if the police had done their duty and kept the street clear an injunction restraining trading would not have been necessary.

Justice Lydon characterized the practice of trading in stocks as an unmitigated nuisance and violates the contention of the Curb Stock and Bond Market that it inherited the right to use the street from the New York Curb Market Association. There were no rights, Justice Lydon declared, and the Curb Market Association may not employ the use of the street by reason of the tolerance of the Police Department. He declares the alleged statement of the defendant corporation that it obtained permission of the Mayor and Police Commissioner to use the street for trading purposes to be unworthy of credence.

The plaintiffs in the application for a permanent injunction are: The Broad Exchange Company, owners of the building at 35 Broad street, opposite the old curb markets; the Western Union Telephone Company; the Johnson Building Estate Corporation; the White Oil Realty Corporation; the Wall Street Journal Building Company; Fifty-one Broad Street, Inc., and the Seaboard National Bank.

In a statement issued last night Henry L. Cafey, secretary of the Curb Stock and Bond Market, the defendant corporation, said:

"The temporary injunction granted by Justice Lydon restraining the outside curb brokers from trading on the curb will be immediately appealed and this appeal will be carried to the highest court of the country by the outside curb brokers."

In his opinion Judge Lydon says in part:

"The defendant claims that a large number of persons, other than the members of the defendant corporation, as well as some members of the corporation, have for a great many years, while the corporation is the sort of anybody, pursued peacefully the practice of buying and selling securities in that part of Broad street known as 'the curb.' It further states that this practice has followed a long established, well recognized custom on Broad street and its immediate vicinity dating back 100 years."

"I do not understand the force of this allegation, as I cannot believe that either the defendant's president or counsel for the defendant has any idea that they have acquired any prescriptive right to use the street, and as far as the plaintiffs go, it is a continuing damage."

"The Mayor and Police Commissioner had agreed and consented to such use of the public street cannot be given any credence. However, one fact remains self-evident, and that is that the Police Department had for years, by its inactivity, sanctioned the use of the street."

"The occupancy of the street by the defendant and its members in anything short of a flagrant public nuisance. If the police did their duty they would remove from Broad street all persons who attempt to use it for trading as complained of, and there would be no need of an application for an injunction."

The Curb Stock and Bond Market, whose assumption of the privilege enjoyed by the Curb Market Association caused the application for an injunction, claims a membership of about two hundred.

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NEW YORK STATE BONDS.

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